



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
WATER AND WATERSHEDS

DEC 18 2009

Mr. J. Brett Jokela  
Assistant General Manager  
Municipality of Anchorage Water and Wastewater Utility  
3000 Arctic Boulevard  
Anchorage, Alaska 99503-3898

Re: Request for Designation as EPA's Non-Federal Representative for ESA;  
Municipality of Anchorage Water and Wastewater Utility; John M. Asplund Water Pollution  
Control Facility; NPDES Permit No: AK-002255-1

Dear Mr. Jokela:

The Environmental Protection Agency received your letter dated December 16, 2009, which requested that EPA designate the Anchorage Water and Wastewater Utility (AWWU) as its non-federal representative for purposes of conducting informal consultation with the National Marine Fisheries Service (NMFS) and to prepare the biological evaluation necessary to comply with Section 7 of the Endangered Species Act (ESA).

According to interagency cooperation regulations at 50 CFR §402.08, a federal agency may designate a non-federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Director of NMFS or the U.S. Fish and Wildlife Service (USFWS) of such designation. EPA hereby designates AWWU as a non-federal representative for preparation of the biological evaluation for the John M. Asplund Water Pollution Control Facility. Copies of this letter will serve as notice to NMFS.

At this time, EPA is withholding designation of AWWU as its non-federal representative for the purpose of conducting informal consultation. EPA is withholding this designation because we are not prepared to begin the consultation process, which typically begins after completion of the draft biological evaluation. EPA and AWWU may revisit this request at a later date.

If you should have any questions, please do not hesitate to contact Lisa Olson of my staff at 206-553-0176.

Sincerely,

for Michael J. Lidgard, Manager  
NPDES Permits Unit

cc: Mr. Mark Premo, Municipality of Anchorage  
Mr. Mark Spano, Municipality of Anchorage  
Mr. Robert D. Mecum, Acting Administrator, Alaska Region, NMFS, Juneau  
Mr. Brad Smith, NMFS, Anchorage

## EPA Region 10 Routing AND Concurrence Sheet

Author: Lisa Olson

Date: 12-18-2009

Addressee: J. Brett Jokela

Subject: Request for Designation as EPA's Non-Federal Representative for ESA

File Name/Location: G:Water & Watersheds/NPDES

Signer: Mike Lidgard

Routing Path and/or Admin Review:

Date:

1. Lisa Olson

12/18/09

2. Lorie Robinson

12-18-09

3.

4.

5.

Return to:

### CONCURRENCES

Name:

Initials:

Date:

### ACTIONS/ADDITIONAL INFORMATION:

mailing  
deadline:

cc: Mark Premo & Mark Spano, Municipality of Anchorage, Robert Mecum, NMFS Juneau, Brad Smith, NMFS Anchorage

bcc:

email to:

fax to:

pdf to:

Additional notes/requirements:

Filing Instructions:

Schedule:

Chronological:

Program:

Updated 02/06/08





# Anchorage Water & Wastewater Utility



General Manager's Office

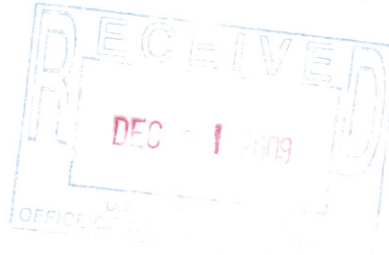
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<http://www.awwu.biz>

Mayor Dan Sullivan

December 16, 2009

Michael J. Lidgard, Manager  
NPDES Permits Unit  
US EPA Region 10,  
Office of Water and Watersheds  
1200 Sixth Avenue, M/S OWW130  
Seattle, WA 98101-3140



Re: Request for Designation as EPA's Non-Federal Representative

Dear Mr. Lidgard:

Anchorage Water and Wastewater Utility (AWWU) operates the John M. Asplund Water Pollution Control Facility, which discharges wastewater to Cook Inlet at Point Woronzof, Alaska, in accordance with NPDES Permit No. AK-0002255-1. In January of 2005, AWWU applied for reauthorization of the permit with continuation of the modifications allowed by Section 301(h) of the Clean Water Act with the Environmental Protection Agency (EPA). Fish and wildlife species listed as threatened or endangered under the Endangered Species Act (ESA) are known to occur in the Project area, namely the Cook Inlet beluga whale. Accordingly, consultation with the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the ESA is required in connection with the re-issuance of the permit for this discharge.

On May 11, 2009, EPA identified AWWU as the "applicant" for the permit renewal, providing certain opportunities for AWWU communications with EPA and NMFS. Through our continued communication, we have contracted with a firm to assist in compilation and analysis of environmental information to support your consultation effort. At present our formal mandate from EPA to proceed with this effort is vague.

Therefore, pursuant to interagency cooperation regulations at 50 CFR §402.08, AWWU requests that EPA further designate AWWU as its non-federal representative for purposes of conducting informal consultation with NMFS and to prepare the biological evaluation necessary to comply with Section 7 of the ESA. Federal regulations require EPA supervision and review and evaluation of the biological assessment prepared by the non-federal representative and do not absolve EPA's ultimate responsibility for compliance with Section 7.

We would appreciate an immediate response to this request so we can continue our efforts at preparing the biological evaluation. If you have questions concerning this request, please call me at 907-786-5511.

Sincerely,

  
J. Brett Jokela, P.E.  
Assistant General Manager

cc: Lisa Olson



# Anchorage Water & Wastewater Utility



General Manager's Office

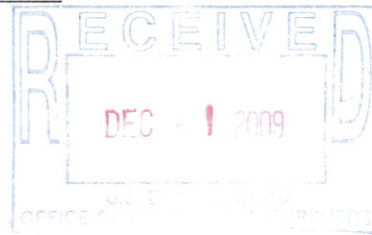
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December 16, 2009

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